2nd AFA

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 40

Application Number	10/051,000
Filing Date	22 January 2002
First Named Inventor	SNOW, FRANK J.
Art Unit	3629
Examiner Name	Naresh Vig
Attorney Docket Number	

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please identify below):

Remarks

APPEAL BRIEF

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	Frank J Snow		
Printed name	FRANK J. SNOW		
Date	12 December 2005	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 250.00

Complete if Known	
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METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims		Extra Claims	Fee ($)	Fee Paid ($)
_____	- 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims	Fee ($)	Fee Paid ($)
_____	- 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee ($)		Fee Paid ($)
_____	- 100 =	_____	/ 50 =	_____	(round up to a whole number) x	_____	=	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification. $130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge): APPEAL BRIEF	# 250.00

SUBMITTED BY

Signature	Frank J Snow	Registration No. (Attorney/Agent)	Telephone (540) 972-3291
Name (Print/Type)	FRANK J. SNOW		Date 12/12/05

A - Identification Page

In the United States Patent and Trademark Office

Applicant's name: Frank J. Snow
Application number: 10/051,000
Confirmation Number: 7785
Application filing date: 01/22/2002

Title of the invention: Lunar and Planetary Land Property Allocation Method and System

Technology Center: TC 3600
Name of the examiner: Naresh Vig
Art unit of the examiner: 3629

Date Applicant's Notice of Appeal Mailed: 10/14/05
Date Appeal Brief Delivered: 12/12/05

USPTO Customer Service Window, ATTN: Mail Stop APPEAL BRIEF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Title of the paper: **Appeal Brief**

Sir: This Appeal Brief is submitted in response to the Notice of Panel Decision from Pre-Appeal Brief Review, mailed 11/07/2005.

Very respectfully,

Frank J. Snow

Frank J. Snow, Applicant Pro Se

303 Spotswood Road
Locust Grove, VA 22508
Phone: (540) 972-3291

Appeal Brief Submission date: 12 December 2005

B - Table of Contents

C - Real party in interest

The real party in interest is Frank J. Snow, applicant pro se.

D - Related appeals and interferences

None.

E - Status of claims

This Appeal Brief covers an appeal response to the USPTO final rejection of original claims **17** and **18** of patent application entitled Lunar and Planetary Land Property Allocation Method and System. The original patent application contains 18 claims, of which the first 16 claims were cancelled by applicant upon applicant receipt of a non-final rejection of all 18 claims. Original claims **17** and **18** are retained as part of applicant's response to the USPTO non-final rejection action.

In summary:

Claims **1** - **16** are cancelled.
Claims **17** - **18** are original.
Claims **17** - **18** are being appealed.

F - Status of amendments

No amendments were filed subsequent to final rejection.

G - Summary of claimed subject matter

Introduction

This appeal brief covers an appeal response to the USPTO after applicant's receipt of a final rejection of claims **17** and **18** of patent application entitled Lunar and Planetary Land Property Allocation Method and System. The original patent application contains 18 claims, of which the first 16 claims were cancelled by applicant upon applicant receipt of a non-final rejection of all 18 claims. Original claims **17** and **18** were retained as part of applicant's response to the USPTO non-final rejection action.

Regarding claim 17

Claim **17** is an independent claim that covers a method of doing business invention in which a documentation package including a Deed of Claim for a specific lunar land parcel that is defined by the use of a novel lunar land subdivision concept, and related map and photographic imagery, are offered for sale. Claim **18** is its dependent claim in which the business method is extended to include Mars and other planetary land property parcels.

Deed of Claim Concept

Claim **17** clearly states that the Deed of Claim does not convey property. Claim **17** further makes clear that such Deed of Claim has a potential for future conversion by the US Government to a deed of ownership. A complete rationale for such a potential is presented in the specification of the subject patent application.

Claim 17 Statement Elements Re Deed of Claim Concept

The claims section of appellant's originally submitted patent application,

page 29, lines 21 - 27 read:

17. A method of doing business, comprising operations of:

developing, producing, assembling, and offering for sale a documentation package covering a lunar land property parcel;

wherein the package includes decorative and educational imagery related to the parcel, and further, includes a document herein defined as a Deed of Claim for the parcel;

page 30, lines 3 - 16 read:

wherein, the primary function of the deed, and so stated in the deed's contents, is to provide an accurate and detailed description of the location and boundary of the parcel, and not to indicate any legal ownership of the parcel;

wherein, the land containing the parcel has been subject to the Apollo Lunar Space Program of exploration and survey conducted by the U.S. Government during the 1960's and 1970's, and

wherein, the value of the deed is be based on the possibility that, at some future time, the U.S. Government may choose to claim some part or all of Earth's Moon, and as a consequence, may choose to encourage lunar development by establishing a land grant program;

wherein, as a further consequence, the government may choose to recognize a land grant claimant's ownership of the Deed of Claim for a specific land parcel as an essential element of the claimants request for the specific land parcel;

Specification Statement Elements Re Claim 17 Deed of Claim Concept

The specification section of appellant's originally submitted patent application,

page 2, lines 24 - 28 read:

The present invention covers a new and different type of sales effort related to the acquisition of lunar land property, i.e., the sales of Deeds of Claim for individual lunar land parcels based on U.S. human exploration of specific lunar land areas. Such Deeds of Claim have a potential for legal merit as they are based on the fact that the U.S. Apollo Program resulted in six (6) manned lunar landings.

page 3, lines 24 - 29 read:

As a result, parcels of lunar land property having precisely defined boundary locations could be made available for sale in the form of Deeds of Claim. Such deeds would necessarily include the statement that the deed does not immediately convey ownership of the described parcel of land to the deed owner, but that the Deed of Claim can serve to provide a potentially strong legal basis for claiming ownership of the subject parcel at such time that the U.S. Government exercises its own rights to lunar territorial ownership.

page 5, lines 13 - 30 read:

The land grant precedent of the U.S.A. forms the basis of a business method and its related implementation system, wherein a business entity takes the initiative to

identify and define boundaries for a multiplicity of lunar territories, the bounds of such territories being referenced to the locations of the Apollo landing sites. The business entity then defines and prepares survey descriptions of land parcel subdivisions of such territories for the purpose of subsequently preparing a Deed of Claim for each land parcel. A Deed of Claim is here defined as a land parcel location and boundary description that has the potential for being used as a basis for establishing a claim for lunar property and its related rights at such time that the Government may exercise the option to grant such parcels to claimant individuals.

The potential value of a Deed of Claim to an individual having an interest in owning a parcel of land on a planetary body at some future time is, therefore, the basis of a method of doing business whereby Deeds of Claim are offered for sale by a business entity to interested individuals. Both pre-sale information and post-sale documentation provided to interested individuals are to make clear the fact that an acquired Deed of Claim for a specifically described planetary land parcel is not intended to serve as evidence of land parcel ownership, but only as evidence of a claim for the described parcel that would be available for potential future application as part of a grant request.

page 6, lines 4 - 8 read:

In order for the business entity to offer such Deeds of Claim for land parcels, the business entity initially establishes itself as the owner of a Deed of Claim for a total area of land that is to be subsequently subdivided into land parcels. Each of the total land areas to be subsequently subdivided into parcels has the attribute of containing within its large-area boundary the site of at least one manned spacecraft exploration site.

page 22, lines 7 - 17 read:

The present invention further establishes the concept of a Deed of Claim.

The Deed of Claim is an essential document element of the present invention that recognizes that, although there is no current legally acceptable basis for individual ownership of lunar property, there is a potential for such individual ownership in the form of U.S. Government Land Grants that may result as a consequence of the U.S. Government's possible future claim of lunar territories on the basis of the manned spacecraft lunar explorations and surveys accomplished by it's Apollo Lunar Space Program in the 1969-1972 time period.

The Deed of Claim provides a basis for an individual request for the grant of a specific lunar parcel of land at such future time that the U.S. Government may conduct a land grant program.

Lunar Land Subdivision Concept

Applicant has subdivided the moon into six major regions, of which the north polar region is all land located north of 45 degrees North Latitude and the south polar region is all land located south of 45 degrees South Latitude. The remaining four major regions are centered about the lunar equator and are of equal size.

The novelty of this specific regional subdivision is based upon an original location and sizing of Region 1 so that Region 1 is a specific square, in terms of equal latitude and longitude dimensions, that desirably encompasses all six Apollo lunar landing sites and also enables regional subdivision into six unequally sized and located uniquely specific rectangular sections, each of which contains just one lunar landing site.

Claim 17 Statement Elements Re Lunar Land Subdivision Concept

The claims section of appellant's originally submitted patent application,

page 30, lines 7 - 8 read:
wherein, the land containing the parcel has been subject to the Apollo Lunar Space Program of exploration and survey conducted by the U.S. Government during the 1960's and 1970's,

page 30, lines 18 - 23 read:
developing a plan of subdivision of the lunar globe into a decreasing size sequence of regions, sections, blocks and parcels;

wherein, subdivision of the lunar globe results in four equally sized mid-latitude regions and two equally sized polar regions, said mid-latitude regions defined as Region 1, Region 2, Region 3 and Region 4, and said polar regions defined as Region 5 and Region 6;

page 30, lines 25 - 28, and page 31 lines 3 - 4 read:
wherein, a first mid-latitude Region 1 is centered on the equatorial center of the lunar near side, has longitudinal and latitudinal dimensions of 90 degrees, and the remaining three mid-latitude Regions 2, 3 and 4 are similarly constructed with center longitudinal spacings of 90 degrees; and where Polar Region 5 contains all that land from North 45 Degrees Latitude to the Lunar North Pole; and where Polar Region 6 contains all that land from South 45 Degrees Latitude to the Lunar South Pole;

Page 31, lines 6 - 24 read:
wherein, Region 1 has the singular quality of containing the 6 Apollo landing sites within its boundary and is accordingly subdivided into 6 sections, each bounded by pairs of longitude and latitude lines, and containing one of the landing sites, with the result that the sections are not necessarily of equal size;

wherein, Regions 2, 3, and 4 are each subdivided into 6 sections, three above and three below the lunar equator, each section equally bounded by pairs of 30 degree-spaced lines of longitude and 45 degree-spaced lines of latitude;

wherein, Polar Regions 5 and 6 are each subdivided into 4 radial sections, each section equally bounded by pairs of 90 degree-spaced lines of longitude and 45 degree-spaced lines of latitude;

wherein, the sections of Regions 1, 2, 3, and 4 are each subdivided into a multiplicity of blocks whose latitude and longitude dimensions are 5 degrees;

wherein, the blocks contained in the sections of Regions 1, 2, 3, and 4 are each subdivided into a multiplicity of land property parcels whose latitudinal and longitudinal dimensions are 1/3 degree each, whereby such dimensions correspond to a nominal linear value in the range of about 6 miles by 6 miles in the mid-latitude regions of the moon;

Specification Statement Elements Re Lunar Land Subdivision Concept

The specification section of appellant's originally submitted patent application,

page 3, lines 10 - 16 read:

It may then be anticipated that the existence of a prior Deed of Claim to a precise and well-defined description of the location and boundaries of the parcel of land could provide a potentially strong legal basis for U.S. Government conversion of each "Deed of Claim" to a "Deed of Ownership" for the designated lunar land parcel. The validity of this method of business for offering for sale a Deed of Claim to each individual parcel of lunar land is further based on the use of survey boundary descriptions that can be well defined, i.e., can be precisely referenced to the six (6) Apollo Landing Sites.

page 3, lines 24 - 29 read:

As a result, parcels of lunar land property having precisely defined boundary locations could be made available for sale in the form of Deeds of Claim. Such deeds would necessarily include the statement that the deed does not immediately convey ownership of the described parcel of land to the deed owner, but that the Deed of Claim can serve to provide a potentially strong legal basis for claiming ownership of the subject parcel at such time that the U.S. Government exercises its own rights to lunar territorial ownership.

page 16, lines 3 - 15 read:

It is also an object of the invention to provide a method of subdivision of a planetary body into four categories of decreasing land area size: region, section, block , and parcel. In this method, a land area boundary consists of lines of Latitude and Longitude, and is defined by the Latitude and Longitude coordinates of boundary corners. The method has a particular advantage when applied to a planetary body such as the Moon because of the availability of lunar maps and photographs that already employ such coordinates, and further, of the U.S. Government's publication of data on the location of the six Apollo manned spacecraft landing sites to a degree-accuracy of four decimal places, i.e., one part in one hundred thousand or, on the Moon, a landing site location accuracy of about one foot.

The credibility of generated property allocation information is significantly enhanced by the knowledge that, on the Moon, a parcel can be easily and precisely located by the use of survey measurement techniques referenced to an Apollo landing site.

page 17, lines 18 - 28 and page 18, lines 3 - 16 read:

Region 1, see **FIG. 7**, is divided into six rectangular sections of typically unequal size, each section having the attribute of containing within it's boundary the site of a manned spacecraft landing that resulted from the U.S. Government's Apollo Space

Program, in which six landings occurred in the 1969-1972 period; and where the sections are numerically identified by the contained Apollo spacecraft designation, i.e., Sections 11, 12, 14, 15, 16, and 17; and,

where the four corner locations (Latitude (first) and Longitude (second), in degrees) of each section of Region 1 are as follows:

Section 11- Corner 1-Lat. 15 N, Long. 10 E; Corner 2-Lat. 15 N, Long. 45 E; Corner 3-Lat. 0 N, Long. 45 E; Corner 4-Lat. 0 N, Long. 10 E;

Section 12- Corner 1-Lat. 45 N, Long. 45 W; Corner 2-Lat. 45 N, Long. 20 W; Corner 3-Lat. 45 S, Long. 20 W; Corner 4-Lat. 45 S, Long. 45 W;

Section 14- Corner 1-Lat. 15 N, Long. 20 W; Corner 2-Lat. 15 N, Long. 10 E; Corner 3-Lat. 45 S, Long. 10 E; Corner 4-Lat. 45 S. Long. 20 W;

Section 15- Corner 1-Lat. 45 N, Long. 20 W; Corner 2-Lat. 45 N, Long. 10 E; Corner 3-Lat. 15 N, Long. 10 E; Corner 4-Lat. 15 N. Long. 20 W;

Section 16- Corner 1-Lat. 0 N, Long. 10 E; Corner 2-Lat. 0 N, Long. 45 E; Corner 3-Lat. 45 S, Long. 45 E; Corner 4-Lat. 45 S, Long. 10 E;

Section 17- Corner 1-Lat. 45 N, Long. 10 E; Corner 2-Lat. 45 N, Long. 45 E; Corner 3-Lat. 15 N, Long. 45 E; Corner 4-Lat. 15 N, Long. 10 E;

page 20, lines 22 - 28 read:

The method further includes, for Regions 1, 2, 3 and 4, the subdivision of sections into of blocks whose dimensions, in terms of latitude and longitude angular distances, are 5 degrees by 5 degrees. A method of subdivision of Section 11 of

Region 1 into a multiplicity of blocks is illustrated in the drawing of **FIG. 8**. In this drawing, Block 17 contains the Apollo 11 Landing Site, designated A11. The particular significance of such designation is that the availability of accurate Apollo landing site location data provides a future accurate survey position reference for actual parcel siting on the lunar surface.

page 21, lines 13 - 17 read:

A method of subdivision of Block 17 of Section 11 of Region 1 into a multiplicity of parcels is illustrated in the drawing of **FIG. 9**. In this drawing, Block 17 contains the Apollo 11 Landing Site, designated A11, and shown here as being located in Parcel 191. This drawing further indicates a set of parcels as potentially not being available to the public in anticipation that the U.S. Government may itself claim such an array of parcels for federal use.

Regarding claim 18

Claim **18** is the dependent claim of independent claim 17. In claim **18**, the business method is extended to include Mars and other planetary land property parcels.

Claim 18 Statement

The claims section of appellant's originally submitted patent application,

page 34, lines 13 - 15 read:

18. The method of doing business of claim **17,** wherein the comprised operations are applied to a Martian or any other planetary land property parcel, where such planetary land has been subject to a program of exploration and survey by the U.S. Government.

Specification Statement Re Claim 18

page 15, lines 24 -27 read:

Although presented in terms of planetary land properties in general, embodiments of the present invention can be used to store information not only about the land properties of the Earth's Moon (Lunar Land Properties) but also for other planetary bodies offering a potential for land acquisition and development, including the planet Mars (Martian Land Properties).

H - Grounds of rejection to be reviewed on appeal

Whether claims **17** and **18** are unpatentable under 35 U.S.C. 103(a) over MoonShop.com in view of "Modern Real Estate Practice" by Galaty et al, hereinafter known as Galaty.

I - Argument

Examiner's Final Rejection Statement

Claims **17 - 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over MoonShop.com in view of "Modern Real Estate Practice" by Galaty et al. hereinafter known as Galaty. **[Examiner Rejection, page 7].**

Regarding Examiner's Final Rejection of Claim 17

Examiner's Final Rejection Statement Segment 1

Regarding claim **17**, MoonShop teaches system and method of doing business offering for sale a documentation package covering a lunar land property parcel.

MoonShop teaches:

developing, producing, assembling, and offering for sale a documentation package covering a lunar land property parcel **[MoonShop page 3].** Contents of the documentation in the package is a **business choice. Official notice** is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that MoonShop is capable of providing contents on documentation as desired by a business. **[Examiner Rejection, page 7].**

Appellant's Response to Examiner's Final Rejection Statement Segment 1

Appellant offers that it is an invalid application of impermissive hindsight by "one skilled" to conclude that "one skilled" could anticipate the specific documentation contents of a business method invention that includes the specific novel creation of the form and

content of a Deed of Claim that does not convey property **[claim 17, page 30, line 3 - 5]**, and importantly includes the novel specific delineation of lunar land property subdivision down to a novel specific parcel size of one-third (1/3) degree in the longitude direction by one-third (1/3) degree in the latitude direction **[claim 17, page 31, line 6 - 9 and line 18 - 24].** Appellant offers that this specifically selected parcel size is novel and unique in that such parcel size is the smallest size capable of suitable resolution of the location and boundary of the parcel when overlayed on publicly available detailed lunar charts prepared for the Apollo Program. Such lunar charts have a scale of 1: 500,000 that results in an image (map or photograph) overlayed parcel image size of the order of one inch by one inch, i.e., a very desirable size attribute in Appellant's parcel imagery documentation.

Appellant offers that "one skilled" would no doubt be aware of the desirability of including a deed of property conveyance, with maps and photographs, as part of the documentation contents in a conventional real estate transaction.

However, appellant's present business method invention employs the novel concept of a deed of claim that precisely and accurately describes the location and bounds of a specific land property parcel, but does not convey the specific parcel.

Appellant offers that MoonShop is in the business of conveying property and appellant is not in the business of conveying property. As a result, there is no basis for examiner's conclusion that having a knowledge of the business method of MoonShop by "one skilled" would motivate and enable "one skilled" to render obvious the contents on (appellants non-conveyance business method) documentation as desired by a business.

In view of the above discussion, appellant offers that examiner's rejection should considered as invalid, since MoonShop teaches away from appellant's present

invention, and examiner has employed impermissive hindsight to conclude that MoonShop's documentation renders obvious appellant's detailed present invention documentation.

Examiner's Final Rejection Statement Segment 2

Both MoonShop and applicant produce a phony document. Design, layout and contents of the document are not patentably distinguishable over the prior art because applicant is claiming method of assembling and creating a document. MoonShop assembles and creates a document which meets their business and design requirements. **[Examiner Rejection, page 7].**

Appellant's Response to Examiner's Final Rejection Statement Segment 2

Appellant offers that examiner statement that "Both MoonShop and applicant produce a phony document." is incorrect with respect to appellant's document.

Appellant offers that MoonShop can be considered to "produce a phony document" to the extent that MoonShop incorrectly indicates that it owns the moon and, as a consequence, can sell and convey lunar parcels (that it does not own) via a MoonShop created Lunar Deed **[MoonShop, page 5]**.

Appellant offers that appellant does not "produce a phony document" since appellant's present invention, claim **17**, indicates that appellant does not own the moon **[page 30, line 3 - 5**]and appellant does not offer to sell or convey lunar property **[page 30, line 10 - 16]**

Appellant's present business method invention offers documentation consisting of imagery that is clearly related to a precise description of the location and boundary of a

specifically defined lunar parcel **[claim 17, page 32, line 24 - 28]** and, most importantly, consisting of a Deed of Claim document that does not convey a lunar parcel, but does have a future potential for being converted to a deed of ownership by the United States of America **[claim 17, page 30, line 3 - 5 and line 10 - 16].**

Appellant offers that the validity of such future potential of a Deed of Claim is based upon U.S. Apollo Program accomplishment of the manned survey and exploration of the central part of the nearside (Earth facing) of the moon **[claim 17, line 7 - 8].** Such accomplishment by the U.S. clearly provides the historically recognized ability of a sovereign nation to claim land.

Appellant therefore offers that it would be known and understood by "one skilled" that it is highly probable that China and the Soviet Union will choose to exercise their sovereign right to claim land on the moon as a result of their (planned) accomplishment of the manned survey and exploration of the moon.

Appellant offers that the United States of America will, for well-understood (by "one skilled") military and political reasons, have to take an essentially preemptive step to claim certain (Apollo surveyed and explored) lunar land in order to preclude such a claim by either China or the Soviet Union.

Appellant offers that U.S. recognition of Deeds of Claim as deeds of ownership would significantly serve to establish the validity of a U.S. claim.

As a result of the above argument, Appellant offers the conclusion that there is no basis for examiner statement that "Both MoonShop and applicant produce a phony document." Appellant submits that there is nothing phony about applicant's present invention business method in view of the care that appellant has taken to make clear in

both the specification and claim **17** that appellant does not own lunar land and does not offer lunar land for sale and conveyance.

Examiner's Final Rejection Statement Segment 3

MoonShop does not teach developing a plan of subdivision of the lunar globe into a decreasing size sequence of regions, sections, blocks and parcels. However, MoonShop teaches indicating a portion of the large area image corresponding to the local area image **[MoonShop page 10].** Galaty teaches system and method for subdivision of the land into a decreasing size sequence of regions, sections, blocks and parcels **[Galaty, page 130 - 143].** It is a **business choice** to decide how to subdivide the property. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that MoonShop in view of Galaty is capable of subdivision of land to identify the parcel of land using the coordinates, directional distance from a reference starting point, etc, to meet requirements of a business.**[Examiner Rejection, page 7].**

Appellant's Response to Examiner's Final Rejection Statement Segment 3

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of rendering obvious the novel and precisely described subdivision of land presented by appellant in the specification and claim **17** of the present invention.

Appellant's novel and unique claimed definition of a lunar parcel size of one-third (1/3) degree in the latitude direction by one-third (1/3) degree in the longitude direction **[claim 17, page 31, line 21 - 24]** is based upon appellant's knowledge that the scale of publicly available detailed lunar imagery (maps and photographs) allows appellant to produce

imagery documentation that desirably shows a 1/3 degree x 1/3 degree lunar parcel image size as of the order of a one inch square.

Appellant's novel and unique claimed definition of the boundaries of the six (6) sections of Region 1 is based upon the desire of the invention to have each section contain just one Apollo spacecraft landing site. Region 1 contains the six (6) lunar mid-latitude located Apollo spacecraft landing sites. Since the landing sites are randomly situated, claim 17 precisely indicates a resultant subdivision of the region into novel and unique unevenly sized sections, wherein any section is further desirably subdivideable into 5 degree x 5 degree blocks **[claim 17, page 31, line 6 - 9 and line 18 - 24].**

Examiner's Final Rejection Statement Segment 4

MoonShop in view of Galaty teaches:

establishing the use of map and photographic imagery, in paper and/or digital electronic form, as part of the documentation package, that have been determined to be publicly available from the U.S. Government **[MoonShop page 2 - 10];[Examiner Rejection, page 8].**

Appellant's Response to Examiner's Final Rejection Statement Segment 4

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of rendering obvious the novel and very specifically described map and photographic imagery presented by appellant in claim **17** of the present invention. Additional impermissive rationale and details are presented in the above Appellant Response to Examiner Statement Segment 3.

Examiner's Final Rejection Statement Segment 5

establishing a computer-useable database, herein defined as a Master Map and Chart Set of the Lunar Tract, of all parcel locations, as determined from lunar subdivision into the area sequence of regions, sections, blocks, and parcels (design choice to decide what technology to use for implement a system to meet requirements of a business); **[Examiner Rejection, page 8].**

Appellant's Response to Examiner's Final Rejection Statement Segment 5

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of rendering obvious the novel and very specifically described Master Map and Chart Set of the Lunar Tract presented by appellant in the specification and claim 17 of the present invention. Additional impermissive rationale and details are presented in the above Appellant Response to Examiner Statement Segments 3.

Examiner's Final Rejection Statement Segment 6

establishing an inventory of individual lunar parcels, to be drawn from the above parcel locations database **[MoonShop page 2 - 10];[Examiner Rejection, page 9].**

Appellant's Response to Examiner's Final Rejection Statement Segment 6

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of rendering obvious the novel, and specifically and precisely described lunar parcels inventory presented by appellant in the specification and claim **17** of the present invention.

Additional impermissive rationale and details are presented in the above Appellant Response to Examiner Statement Segments 3, 4 and 5.

Examiner's Final Rejection Statement Segment 7

establishing the offering for sale of a documentation package for individual lunar parcels **[MoonShop page 2 - 10];[Examiner Rejection, page 9].**

Appellant's Response to Examiner's Final Rejection Statement Segment 7

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of rendering obvious the novel and very specifically described documentation package presented by appellant in the specification and claim **17** of the present invention. Since appellant's documentation package includes the subject Deed of Claim that, unlike MoonShop's deed, does not convey a lunar land parcel, appellant submits that MoonShop teaches away from appellant's present invention. As a result, "one skilled" would not be motivated to employ MoonShop's documentation package construction teachings and so arrive at appellant's documentation package. Additional impermissive rationale and details are presented in the above Appellant Response to Examiner Statement Segment 3.

Examiner's Final Rejection Statement Segment 8

establishing a computer-useable registry, defined herein as the Lunar Claim Registry, whose uses will include that of maintaining a record of original ownership of a Deed of Claim, and any subsequent ownership of the deed where such information is made available to the registry operator **[MoonShop page 2 -33];[Examiner Rejection, page 9].**

Appellant's Response to Examiner's Final Rejection Statement Segment 8

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of the novel and specifically described Lunar Claim Registry presented by appellant in claim 17 of the present invention **[claim 17, page 33, line 16 - 22].** Additional impermissive rationale and details are presented in the above Appellant Response to Examiner Statement Segment 3.

Examiner's Final Rejection Statement Segment 9

establishing the use of copyright protection of the Lunar Claim Registry, with its Deed of Claim ownership data contents, as a method for achieving data storage in the U.S. Archives (business choice) **[MoonShop page 2 - 10];[Examiner Rejection, page 9].**

Appellant's Response to Examiner's Final Rejection Statement Segment 9

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of the novel and specifically described copyright protection of the Lunar Claim Registry presented by appellant in the **specification [page 21, line 3 - 17]** and **claim 17 [page 33, line 16 - 22]** of the present invention. Additional impermissive rationale and details are presented in the above Appellant Response to Examiner Statement Segment 3.

Examiner's Final Rejection Statement Segment 10

establishing an organization of members, in the form, for example, of a Lunar Claim Society, whose focus is the provision of information of common interest to Deed of Claim owners **[MoonShop page 3 - 4];[Examiner Rejection, page 9].**

Appellant's Response to Examiner's Final Rejection Statement Segment 10

Appellant submits that examiner rejection-cited **MoonShop, page 3 - 4**, makes no reference to any organization of members.

Appellant offers that examiner employs impermissive hindsight to conclude that "one skilled", having a knowledge of MoonShop in view of Galaty, is capable of the novel described Lunar Claim Society presented by appellant in **claim 17 [page 33, line 24 - 29].**

Appellant further offers that "one skilled" having a knowledge of MoonShop in view of Galaty would not be motivated to form a Lunar Claim Society whose focus is the provision of information of common interest to Deed of Claim owners.

Appellant offers that it would be rendered obvious that a Lunar Claim Society of Deed of Claim owners would have an organization mission distinctly different from a Lunar Claim Society of MoonShop deed owners.

MoonShop deed owners, if believing that they truly own lunar property, would be expected to form a society whose focus includes real estate owner concerns.

However, Deed of Claim owners, knowing that their primary objective would be to have their non-ownership deeds converted to ownership deeds, would be expected to form a

society whose focus includes the determination and implementation of political lobby-type initiatives, all directed towards encouraging federal recognition of their Deeds of Claim.

As a result of the above described marked society focus differences, appellant also offers that MoonShop in view of Galaty, with respect to the formation of a Lunar Claim Society, clearly teach away from appellant's present business method invention.

Regarding Examiner 's Final Rejection of Claim 18

Examiner's Final Rejection Statement Segment 1

Regarding claim **18**, MoonShop in view of Galaty teaches operations are applied to planetary land property where such planetary land has been subject to a program of exploration and survey by the U.S. Government (Galaty teaches survey of land) **[Galaty page 355 - 356].[Examiner Rejection, page 9].**

Appellant's Response to Examiner's Final Rejection Statement Segment 1

Appellant submits that examiner's above rejection statement is invalid.

Appellant offers that examiner's rejection is invalid because, as previously argued, MoonShop offers the sale of planetary land parcels that MoonShop claims to own without any reference to a "program of exploration and survey by the U.S. Government" to support MoonShop's claim of planetary land ownership.

However, appellant makes clear, as previously argued, that in appellant's present business method invention, appellant does not claim to own planetary land, and appellant does not offer the sale of planetary land parcels.

As a result, appellant offers that examiner's 103 type rejection is invalid since "one skilled", having a knowledge of the above stated teaching of MoonShop in view of Galaty, would have no motivation to render obvious appellant's present invention.

Appellant further offers that that examiner's 103 type rejection is invalid because examiner is employing impermissive hindsight to conclude that "one skilled" would render obvious the specific and precise detailed documentation components presented in the specification and independent claim **17**, as applied to dependent claim **18**.

J - Claims appendix

17. A method of doing business, comprising operations of:

developing, producing, assembling, and offering for sale a documentation package covering a lunar land property parcel;

wherein the package includes decorative and educational imagery related to the parcel, and further, includes a document herein defined as a Deed of Claim for the parcel;

wherein, the primary function of the deed, and so stated in the deed's contents, is to provide an accurate and detailed description of the location and boundary of the parcel, and not to indicate any legal ownership of the parcel;

wherein, the land containing the parcel has been subject to the Apollo Lunar Space Program of exploration and survey conducted by the U.S. Government during the 1960's and 1970's, and

wherein, the value of the deed is to be based on the possibility that, at some future time, the U.S. Government may choose to claim some part or all of Earth's Moon, and as a consequence, may choose to encourage lunar development by establishing a land grant program;

wherein, as a further consequence, the government may choose to recognize a land grant claimant's ownership of the Deed of Claim for a specific land parcel as an essential element of the claimants request for the specific land parcel;

developing a plan of subdivision of the lunar globe into a decreasing size sequence of regions, sections, blocks and parcels;

wherein, subdivision of the lunar globe results in four equally sized mid-latitude regions and two equally sized polar regions, said mid-latitude regions defined as Region 1, Region 2, Region 3 and Region 4, and said polar regions defined as Region 5 and Region 6;

wherein, a first mid-latitude Region 1 is centered on the equatorial center of the lunar near side, has longitudinal and latitudinal dimensions of 90 degrees, and the remaining three mid-latitude Regions 2, 3 and 4 are similarly constructed with center longitudinal spacings of 90 degrees; and where Polar Region 5 contains all that land from North 45 Degrees Latitude to the Lunar North Pole; and where Polar Region 6 contains all that land from South 45 Degrees Latitude to the Lunar South Pole;

wherein, Region 1 has the singular quality of containing the 6 Apollo landing sites within its boundary and is accordingly subdivided into 6 sections, each bounded by pairs of

longitude and latitude lines, and containing one of the landing sites, with the result that the sections are not necessarily of equal size;

wherein, Regions 2, 3, and 4 are each subdivided into 6 sections, three above and three below the lunar equator, each section equally bounded by pairs of 30 degree-spaced lines of longitude and 45 degree-spaced lines of latitude;

wherein, Polar Regions 5 and 6 are each subdivided into 4 radial sections, each section equally bounded by pairs of 90 degree-spaced lines of longitude and 45 degree-spaced lines of latitude;

wherein, the sections of Regions 1, 2, 3, and 4 are each subdivided into a multiplicity of blocks whose latitude and longitude dimensions are 5 degrees;

wherein, the blocks contained in the sections of Regions 1, 2, 3, and 4 are each subdivided into a multiplicity of land property parcels whose latitudinal and longitudinal dimensions are 1/3 degree each, whereby such dimensions correspond to a nominal linear value in the range of about 6 miles by 6 miles in the mid-latitude regions of the moon;

wherein, the sections of Polar Regions 5 and 6 are each subdivided into 6 blocks of approximately equal size, each block bounded by pairs of 15 degree-spaced-lines of longitude and 45 degree-spaced-lines of latitude;

wherein, the blocks contained in the sections of Polar Regions 5 and 6 are each subdivided into land property parcels whose latitudinal dimension is 1/3 degree, corresponding to a linear value of about 6 miles;

wherein, the longitudinal angular dimension of a desirably square parcel will vary with the latitude location of a parcel in order to compensate for the decreasing linear separation of the lines of longitude as they converge towards the lunar poles;

wherein, a calculation is made to determine what integer value of parcel longitudinal dimension, in terms of degrees and/or minutes of angle, results in an integer number of parcels having a linear width of the order of 4 to 6 miles;

establishing the use of map and photographic imagery, in paper and/or digital electronic form, as part of the documentation package, that have been determined to be publicly available from the U.S. Government;

wherein, such imagery is used to develop the imagery content of a documentation package;

wherein, such imagery content includes three pairs of map and photograph of similar size and intended to be suitable for framing; with imagery scaled in accordance with a sequence which provides a lunar global view and a large area view indicating the general location of the lunar land parcel, and a local area view indicating, in more detail, the location and boundary of the lunar land parcel;

establishing a computer-useable database, herein defined as a Master Map and Chart Set of the Lunar Tract, of all parcel locations, as determined from lunar subdivision into the area sequence of regions, sections, blocks, and parcels;

establishing an inventory of individual lunar parcels, to be drawn from the above parcel locations database;

wherein, for each parcel, a documentation package containing the Deed of Claim and its associated location-oriented imagery is developed, and assembled in paper or computer disc format;

establishing the offering for sale of a documentation package for individual lunar parcels;

establishing a computer-useable registry, defined herein as the Lunar Claim Registry, whose uses will include that of maintaining a record of original ownership of a

Deed of Claim, and any subsequent ownership of the deed where such information is made available to the registry operator;

establishing the use of copyright protection of the Lunar Claim Registry, with its Deed of Claim ownership data contents, as a method for achieving data storage in the U.S. Archives;

establishing an organization of members, in the form, for example, of a Lunar Claim Society, whose focus is the provision of information of common interest to Deed of Claim owners;

wherein, the organization functions include periodic generation of a newsletter, primarily internet-based, to provide information of potential interest to society members and other readers.

18. The method of doing business of claim 17, wherein the comprised operations are applied to a Martian or any other planetary land property parcel, where such planetary land has been subject to a program of exploration and survey by the U.S. Government.

K - Evidence appendix

None

L - Related proceedings appendix

None